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OFFICE OF PETITIONS

In re Application of :
Horii et al. :
Application No. 10/780,246 : DECISION GRANTING PETITION
Filed: 17 February, 2004 :
Atty Dckt No. 5649-1207 :

This is a decision in reference to the petition filed on 3 October, 2005, which is treated as a petition filed under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of 17 February, 2004, rather than the currently-accorded filing date of 18 February, 2004.

The petition is granted.

Petitioner alleges that the application was deposited in Express Mail service on 17 February, 2004. In support, on 3 October, 2005, petitioners supplied a copy of Express Mail Label No. EV353594159US (the same Express Mail number found on the itemized provisional application cover sheet accompanying the original application papers located in the official file). Although the "date-in" on the Express Mail label is incomplete, the label contains an Official USPS postmark dated 17 February, 2004.

As such, the showing of record is that the correct date of deposit in Express Mail is 17 February, 2004.

In view of the above, the petition is granted. No fee is required and none has been charged.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 17 February, 2004, and for issuance of a corrected Filing Receipt.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
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